

# THE GORMANSTON MUNICIPAL LIGHT- ING AND POWER ACT, 1917.

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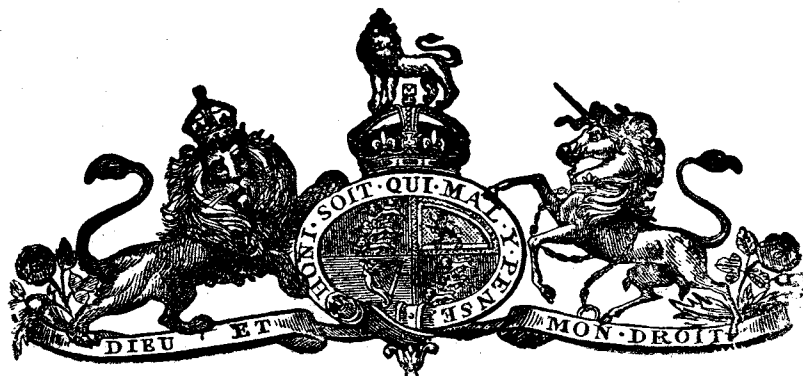
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TASMANIA.



1917.

ANNO OCTAVO

GEORGII V. REGIS.

No. 56.



AN ACT to make provision for Lighting the Towns of Gormanston, Linda, and other portions of the Municipality of Gormanston by Electricity, and for the supply of Electricity for Motive Power and for other purposes to any part of the said Municipality. [22 December, 1917.]

A.D. 1917.

WHEREAS it is desirable and expedient to make legislative provision to ensure a supply of electricity for lighting, motive-power, and other purposes for the towns of Gormanston and Linda and for other portions of the Municipality of Gormanston, in the State of Tasmania, and for the use of the inhabitants thereof;

PREAMBLE.

*Gormanston Municipal Lighting and Power.*

AD. 1917.

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Division of Act.

**1** This Act is divided into Eleven parts, as follows:—

- Part I.—Preliminary.
- Part II.—Light District.
- Part III.—Power of Council in Construction of Works.
- Part IV.—Compensation for Damage Done in Execution of Works.
- Part V.—Supply of Electricity.
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- Part IX.—By-laws.
- Part X.—Purchase of Electricity and Delegation of Powers.
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## PART I.

## PRELIMINARY.

Short title.

**2** This Act may be cited as “The Gormanston Municipal Lighting and Power Act, 1917,” and shall be read as part of, and be deemed to be incorporated with, “The Local Government Act, 1906.”

Commencement of Act.

**3** This Act shall commence and take effect on the First day of January, One thousand nine hundred and eighteen.

Interpretation.

**4** In the construction and interpretation of this Act, in any by-law made under it, and in the matter of all proceedings under the authority of this Act, the following words, terms, and expressions shall have the respective meanings assigned to them by this section, unless the context otherwise determines; that is to say—

“Assessment Roll” means so much of the annual values assessment roll for the Municipality of Gormanston for the time being in force as comprises all properties in the Light District as hereinafter defined:

“Elector” means every person being a natural-born or naturalised subject of His Majesty, and whether male or female, of or above the age of Twenty-one years, whose name as the owner or occupier of any property within the Light District appears on the assessment roll:

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- “Electricity” means and includes electricity, electric light, electric motive-power, electric current, or any like power or manifestation of electrical energy : A.D. 1917.
- “Land” includes any estate or interest (legal or equitable) in land, and any easement, right, power, or privilege over, in, or in connection with land :
- “Light District” means the Light District established by Section Five of this Act, and any additional area or areas which may from time to time be added to it, as provided by that section :
- “Owner” means the person for the time being in actual receipt of or entitled to receive the rents and profits of any land, or of any house, messuage, habitation, manufactory, or building of whatsoever kind on any land :
- “Street” extends to and includes any public and common highway, road, footway, bridge, square, culvert, court, passage, park, recreation ground, alley, lane, thoroughfare, public way, or place within the Municipality of Gormanston :
- “The Company” means the Mount Lyell Mining and Railway Company Limited, and shall include, besides the Mount Lyell Mining and Railway Company Limited, its successors and assigns :
- “The Council” and “Council” means the Municipal Council of Gormanston as constituted for the time being under and by virtue of “The Local Government Act, 1906,” and where any powers, authorities, or functions of the Council under this Act are delegated or transferred to the Company (as defined by this Act) includes the Company :
- “The Municipality” means the Municipality of Gormanston as constituted for the time being under and by virtue of “The Local Government Act, 1906” :
- “Works” means and includes all buildings, plant, machinery, engines, dynamos, retorts, receivers, tunnels, cisterns, drains, channels, sewers, weirs, dams, embankments, pumps, reservoirs, water-races, water-courses, water-powers, turbines, or other motive-power, and all wires, pipes, lamps, posts, piers, supports, burners, generators, conductors, communicators, accumulators, distributors, and all other machinery, appliances, apparatus, chattels, and things which the Council shall from time to time use or deem to be necessary for the generation, transmission, supply, and utilisation of electricity in accordance with the provisions of this Act.

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## PART II.

## LIGHT DISTRICT.

District.

**5** The area of land shown in the plan in the schedule to this Act, and in such plan surrounded by red boundary lines, shall be and form the Light District for the purposes of this Act; but the Council may from time to time, at the request of a Two-thirds majority (to be ascertained in such manner as the Council may determine) of the electors within any area within the Municipality of Gormanston proposed to be added, declare by special resolution that any such area shall be added to the Light District, and thereupon such area shall be included in and form part of the Light District; and every owner or occupier of property within the area so added shall thenceforth be subject to the same liability to be rated as if the said area had originally formed part of the said Light District.

## PART III.

## POWER OF COUNCIL IN CONSTRUCTION OF WORKS.

Council may take steps to obtain a supply of electricity for Gormanston, &c.

**6** The Council is hereby empowered to provide and obtain by purchase or otherwise a supply of electricity for the Light District and other places in the Municipality, and for the use of the inhabitants; and for such purposes or ends the Council may make surveys, take levels, employ engineers and other persons competent to advise the Council; and may cause to be prepared a plan or plans exhibiting a system of lighting the Light District and other places in the Municipality, and for transmitting and supplying electricity, as the Council may determine to the inhabitants of the Light District and other places in the Municipality, with all necessary particulars of the works, and of the annual rate or rates, which in the opinion of the Council may be necessary, and for any other annual or other expenditure in connection with the undertaking.

Purchase of land and acquisition of easements.

**7**—(1) The Council is hereby empowered to purchase by agreement or to compulsorily purchase, acquire, and take any land which the Council may consider to be necessary for the purposes of this Act; and for the purpose of facilitating and effectuating any such purchase or acquisition of land "The Lands Clauses Act," except as hereby varied, and except Sections Eight and Nine of that Act, shall be incorporated with this Act; and in the construction of this Act and "The Lands Clauses Act," this Act shall be deemed to be the Special Act, and the Council shall be deemed to be the promoter of the undertaking.

Power to dispose of land.

(2) The Council is also empowered to dispose of any lands purchased or compulsorily acquired, or any part thereof, by sale, lease, or otherwise, to any person or persons for any purpose whatever.

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- 8** For the purposes of this Act it shall be lawful for the Council to enter upon any land and to take levels of the same, and to set out such parts of such land as the Council thinks necessary, and to cut down trees, dig, cut, trench, and break-up the soil of such land, and to remove all earth, stone, trees, or other things dug or obtained out of the same, and to use such materials in the construction, maintenance, and repair of the works authorised by this Act. A.D. 1917.  
Entry upon land.
- 9** It shall be lawful for the Council from time to time to make, erect, construct, lay down, maintain, alter, or discontinue upon any land as the Council thinks necessary for the purposes of this Act, such works and such buildings, machinery, apparatus, plant, and appliances as the Council may think necessary for the purposes of this Act. Construction of works and buildings, &c
- 10** Prior to its first entry upon any land by the Council for the purposes of this Act, not less than Seven days' notice of the intention of the Council to enter shall be given by the Council to the owner and occupier (if any), but no notice shall be necessary previous to any subsequent entry by the Council upon such land for the purposes of this Act. Council to give notice prior to first entry upon land.
- 11** Where the Council gives notice of its intention to take land for any of the purposes hereinbefore set forth, and the compensation in respect thereof is determined as in cases of disputed compensation if the Council deems it inexpedient to pay the amount of compensation so determined it may, within Twenty-one days after notice of the amount of compensation so determined on, withdraw the firstmentioned notice on payment of all costs of reference and award, and shall, after such withdrawal, cease to be liable for the amount of compensation so determined. If compensation excessive Council may give up land.
- 12** The Council may, subject to the provisions of the Act of the Commonwealth of Australia, intituled "The Post and Telegraph Act, 1901," from time to time open and break up the soil and pavement of any streets within the Municipality, and erect in and upon such streets, and maintain and use for the purpose of transmitting electricity, and from time to time alter and discontinue, such machinery, lamps, posts, pipes, piers, supports, conductors, communicators, receivers, distributors, electric lines, wires, buildings, apparatus, engines, and things, and all other works necessary and convenient for any of the purposes of this Act. Power to break up streets, &c., and to open drains.
- 13** Whenever the Council opens or breaks up any street, sewer, drain, or tunnel under the authority of this Act, it shall, with all convenient speed, complete the work for which the same was broken up, and fill in the ground, and reinstate and make good the street, sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby; and shall, at all times whilst any such street is so opened or broken up, cause the same to be fenced and guarded, and a light sufficient for the warning of passengers to be set up and kept against the same every night. Streets not to be broken up except under superintendence of persons having control of same.

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Powers conferred  
on Council to  
extend to officers  
duly authorised.

**14** Wherever by this Act authority is given to the Council to enter upon any land, or to break up streets, or to do any act for the purposes of this Act in or relating to the construction, maintenance, or repair of the works or any part thereof, or the cutting-off any supply of electricity, the same authority shall equally extend to and may be used by all persons acting by the direction of the Council, or any company or person under agreement with the Council, and to all necessary agents, assistants, assistant servants, workmen, means, and appliances whatsoever.

## PART IV.

## COMPENSATION FOR DAMAGE DONE IN EXECUTION OF WORKS.

Council to do as  
little damage as  
may be.

**15** In the exercise of the powers conferred by this Act the Council shall do as little damage as can be, and, in all cases where it can be done, shall make good such damage.

Council to make  
compensation for  
damage done  
by execution of  
works.

**16** The Council shall make compensation, in manner hereinafter provided, to all parties lawfully interested in any land, other than land purchased by the Council, in or upon which any works may hereafter be constructed, or which may be injuriously affected by the construction and maintenance of the works under this Act, or otherwise by the execution by the Council of the powers hereby conferred, for all damage sustained by reason of the exercise as to such land of the powers vested in the Council by this Act.

Persons damaged  
to make claim for  
compensation.

**17** Any person claiming such compensation shall prefer his claim by notice, in writing, addressed to the Council, and served upon the Council Clerk thereof, in which notice shall be specified the place of abode of the claimant, the particular act occasioning the damage for which compensation is claimed, the nature and amount of such damage, and the nature of the title or interest of such claimant in or to the land in respect to which the claim is preferred; and if any such person and the Council do not agree as to the amount of such compensation, the same and the application thereof shall, except in the cases hereinafter mentioned, be determined by arbitration, in the manner provided for by "The Lands Clauses Act" in cases of disputed compensation, or, at the option of either the Council or claimant, by a judge of the Supreme Court, upon either party giving Seven days' notice to the other after the delivery of such claim; and in that case the amount of such compensation to be paid shall be ascertained by the judge in such manner as he deems advisable, and subject to such conditions as such judge sees fit to impose. All costs of all proceedings taken under this Act before a judge shall be in his discretion as to the party by whom such costs shall be borne, and payment thereof may be enforced and recoverable by the party to whom such costs shall be payable as in equity.



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**18** In determining such claims regard shall be had to any benefit which may be done or accrue to the claimant by or as the result of the provisions in this Act contained.

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Regard to be had to any benefit which may accrue.

Persons not making claim to be barred.

**19** If the Council, by notice in writing, requires any person to make claim for compensation for any damage occasioned by the exercise of any of the powers conferred on the Council by this Act previously to the service of such notice, such person shall not be entitled to compensation by reason of the exercise of any such powers unless he prefers his claim in manner aforesaid within Three months after service of such notice.

**20** If either party is dissatisfied with the award of the arbitrators or the umpire appointed to determine the amount of compensation to be paid to the owner or occupier of any land taken or occupied under the authority of this Act, the dissatisfied party, when the amount of compensation awarded by the arbitrators or the umpire exceeds One hundred Pounds sterling, may appeal from the award of the arbitrators or the umpire, as the case may be, to a judge of the Supreme Court, and may have the amount of compensation fixed by a judge of the said court, in the manner hereinafter provided.

Dissatisfied party may appeal to a Judge of the Supreme Court.

**21** If the dissatisfied party desires to appeal from the award of the arbitrators or umpire as aforesaid, he shall, within Fourteen days after the delivery to him of such award or a copy thereof, give notice in writing to the other party of his intention to appeal, and shall, within One month after the service of such notice upon the opposite party, prosecute such appeal in accordance with the rules made by the judges for conducting appeals under "The Main Line Railway Amendment Act, No. 2," so far as such rules are applicable; and the amount of compensation to be paid in such cases shall be ascertained by a judge of the Supreme Court in such manner as he deems advisable, and subject to such conditions as such judge sees fit to impose; and the judge may also, in his discretion, make any order as to the party by whom the costs of the appeal and also the arbitration appealed from shall be borne: Provided that a judge of the Supreme Court may, upon what he shall deem sufficient cause, allow an appeal under this Act to be prosecuted after the expiration of the time hereinbefore allowed for that purpose, but no appeal shall be allowed after the expiration of Three months after the service of notice of intention to appeal.

Notice of appeal to be given.  
36 Vict. No. 19.

**22** Where the dissatisfied party gives such notice of appeal as aforesaid, then the award given by the arbitrators or the umpire shall not be made a rule of court, nor shall any proceedings other than the appeal be taken thereon until a judge of the Supreme

Award not to be made a rule of court until judge determines matter in dispute.

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Court, by an order under his hand, determines the matter in dispute, or the time hereinbefore allowed for prosecuting the appeal has expired.

## PART V.

## SUPPLY OF ELECTRICITY.

Supply of electric light inside area at such charges as may be fixed.

**23** The Council may supply any owner or occupier of any house, building, land, or other premises in the Light District with electricity for producing light, and such supply shall in every case be furnished by the Council at such charges as shall from time to time be fixed by the Council.

Council may supply electricity for motive power, &c.

**24** The Council may supply electricity for motive-power or for any purpose other than the production of light from time to time as it thinks fit to the owner or occupier of any land or building in the Light District, or at any other place within the municipality at which the Council has erected the necessary works for supplying electricity under the provisions of this Act, at such charges and upon such terms and conditions as shall from time to time be fixed by the Council.

Council may make rebatement of charges.

**25** It shall be lawful for the Council from time to time to make such a rebatement as the Council shall think fit upon all moneys due and owing to the Council for electricity supplied under the provisions of this Act, and which shall be paid to the Council not later than Fourteen days after demand has been made for payment thereof.

Provision for testing.

**26** The Council shall, before supplying any person with electricity, test the normal strength and electric power and motive force of the electric energy supplied by it if requested.

Form of lamp or burner may be prescribed, but contractors or workmen to be approved by Council.

**27** It shall be lawful for the Council to prescribe any special form of lamp or burner to be used by any person to whom the Council shall supply electricity for lighting purposes, and only such contractors, builders, artisans, workmen, and other persons as are approved by the Council shall be employed by any person for the purpose of erecting or repairing any machinery, lamps, wires, pipes, conductors, burners, apparatus, plant, or appliance whatsoever to be used in supplying or producing light or power from electricity supplied by the Council.

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**28** Where several buildings are supplied with electricity by one common conductor, the respective owners or occupiers of such buildings shall be severally liable to the payment of the same charges for the supply of electricity as they would have been liable to if each of such several buildings had been supplied with electricity by a separate conductor.

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Where several premises supplied by one conductor, each to pay.

**29** The Council may from time to time let for hire to any consumer of electricity any meter or instrument for measuring the quantity of electricity supplied and consumed, at such rent in money as shall from time to time be fixed by the Council in accordance with the provisions of this Act; also any conductors, fittings, and apparatus for the conveyance, reception, transformation, storage, or otherwise utilising electricity.

Council may provide meters.

**30** Any person acting under the authority of the Council may at all reasonable times enter any house, buildings, or lands to, through, or into which electricity is supplied by the Council, in order to inspect the meters, instruments, wires, and apparatus for the measuring, conveyance, reception, or storage of electricity, or for the purpose of ascertaining the quantity of electricity supplied or consumed, and may from time to time enter any house, buildings, or lands for the purpose of removing any meter, instrument, wire, or apparatus the property of the Council; and if anyone hinders such person from entering or making such inspection, or effecting such removal, or if anyone, not being an officer or in the employ of the Council, in any manner injures or interferes with any meter placed for the purpose herein named, he shall for every such offence be liable to a penalty not exceeding Five Pounds, in addition to the amount of damage or injury done.

Officers of the Council may inspect meters.

**31** Every person requiring to remove or alter the position of any meter shall give Two days' notice, in writing, to that effect to the Council, who will cause a registration of the quantity of electricity used to be taken, and such removal or alteration to be made; and the expense of so doing shall be paid by such person, and no alteration shall be made but by or under the direction of an officer of the Council, nor until the permission of the Council has been obtained.

Notice of removal or change in meter.

**32** Such meters, instruments, conductors, fittings, and apparatus shall not be subject to distress for rent of the premises where the same are used, and shall not be attached or taken in execution under any process of any court of law or equity, or under or in pursuance of any adjudication, sequestration, or order in bankruptcy, or other legal proceedings against or affecting the consumer of the electricity or the occupier of the premises or other person in whose possession the meters, conductors, fittings, instruments, and apparatus may be.

Meters, &c., not liable to seizure.

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Supply of  
electricity outside  
area boundaries.

**33** The Council may, upon such terms and conditions as it thinks fit, cause a supply of electricity for lighting, motive-power, or for other purposes, to be brought to such places and districts within the Municipality and beyond the Light District as the Council sees fit, upon the application of any owners or occupiers of houses, buildings, or other premises in any such place or district.

Right of Council  
to contract with  
private person.

**34** It shall be lawful for the Council from time to time to agree with any person for the construction, working, and maintenance of the works, or such part thereof as the Council may think proper, for a period not exceeding Twenty-one years.

Poll necessary.

**35** The Council shall not enter into such agreement as is mentioned in the last preceding section hereof until after a poll has been taken, in the manner determined by the Council, of the electors within the Light District, for the purpose of ascertaining whether the Council shall be permitted to make such agreement.

Agreement to be  
open for  
inspection.

**36** At least one week before, and until after the closing of such poll, the terms of the agreement proposed to be entered into shall be available for inspection at the office of the Council, and any such elector may inspect the same and make copies of or extracts therefrom free of charge.

## PART VI.

## LIGHT RATE.

Council to fix  
light rate.

**37** The Council may, once or oftener in every year, make and levy a Light Rate or Light Rates upon the annual value of all properties within the Light District, as shown by the assessment roll in force for the time being: Provided that such rate so to be made and levied shall not in any case exceed in any one year the sum of Two Shillings in the pound upon the annual value of the properties within the Light District.

Any such Light Rate shall be made upon, and be payable by, the persons who would be liable to be rated in respect of the properties included in the Light District if such rate were a General Rate under "The Local Government Act, 1906," and shall be made and recoverable in the same manner as any such General Rate.

Rate not paid  
Council, &c., may  
stop current of  
electricity.

**38** If any person liable as herein provided to pay any amount of Light Rate or charges, or the hire of any meter, neglects to pay the same within due time after the same has been lawfully demanded, the Council or the Warden thereof, or any person duly authorised by the Council or the Warden, may, after Twenty-four hours' notice, stop the current of electricity supplying the premises in respect of which such rate or charge is payable by cutting-off the wires of such premises, or by such other means as the Council or the Warden or such person may think fit, and the expense of cutting-off the electricity may be recovered in the same manner as the Light Rate is recoverable.

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## PART VII.

## WASTE AND MISUSE OF ELECTRICITY.

**39** If any person when required by the Council neglects to keep in repair any of the works by which his premises are supplied by electricity under the authority of this Act, the Council may cut off the supply of electricity from such premises until such works are sufficiently repaired; and the Council may repair such works, and the cost of repairing the same shall be repaid to the Council by the person neglecting to repair the same, and may be recovered by the Council from such person in a summary way.

Electric service to be kept in repair.

**40** The inspector or any other person acting under the authority of the Council may, at any time by night or by day, enter into and upon any house, land, or premises supplied with electricity under the authority of this Act, in order to examine if there is any waste or misuse of such electricity, and the condition or state of repair of wires or works by which such electricity is supplied to such house, land, or premises; and if such inspector or other person is at any time refused admittance to such house, land, or premises for the purposes aforesaid, the Council may cut-off the supply of electricity from such house, land, or premises.

Power to enter premises to inspect.

## PART VIII.

## OFFENCES.

**41** Every person who wilfully obstructs, hinders, or interrupts the Council, or any person acting under the authority of the Council, in doing or performing any work by this Act authorised to be done or performed by the Council, or in the exercise of any power or authority by this Act conferred on the Council, shall, for every offence, incur a penalty of not less than Ten Pounds, nor more than Fifty Pounds.

Penalty for obstructing Council.

**42** Every owner or occupier of any premises supplied with electricity under this Act who supplies to any other person, or wilfully permits him to take, any of such electricity from any conductor or pipe or service in or on such premises, shall for every such offence incur a penalty not exceeding Twenty Pounds.

Allowing persons not supplied to use electricity.

**43** Every person who without due authority takes any electricity from any pipe, wire, or conductor or service, or other work belonging to the Council, shall for every such offence incur a penalty not exceeding Twenty Pounds.

Taking electricity without authority.

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Attaching any  
conductor, &c.,  
without authority.

**44** Any person who makes any pipe, wire, or conductor to communicate with any pipe wire or conductor, or service wire or other work belonging to the Council, without the authority of the Council in that behalf, shall incur a penalty not exceeding Twenty Pounds.

Persons damaging  
any electric line,  
&c., to make  
compensation.

**45** Any person who carelessly or accidentally breaks, throws down, or damages any pipe, electric line, or service, or any pillar, post, lamp, or other works whatsoever belonging to the Council or under its control, shall forfeit and pay to the Council for the damage so done, by way of satisfaction, such sum of money as will compensate the Council therefor, which may be recovered by action in any court of competent jurisdiction.

Person failing to  
report damage.

**46** Any person who breaks, throws down, or damages any pipe, electric line, or service, or any pillar, post, lamp, or other works whatsoever belonging to the Council or under its control, and fails to forthwith report the same to the Council Clerk, shall be liable to forfeit and pay to the Council a sum not exceeding Ten Pounds, in addition to the amount of the damage, and such amount shall be recoverable in the same action as the claim for such damages.

Penalty for  
destroying or  
injuring works  
wilfully or  
maliciously.

**47** If any person wilfully or maliciously destroys, injures, or damages, or attempts to destroy, injure, or damage, any conduit, pipe, wire, or apparatus, or any of the works constructed or erected under the authority of this Act, or wilfully or maliciously does any act calculated to render any part or parts of the machinery or works of the Council unworkable or defective, or whereby any electricity is or may be lost, wasted, misused, destroyed, or interrupted in any way, he shall for every such offence, upon conviction, either forfeit and pay such sum of money, not exceeding Twenty Pounds, as to the adjudicating magistrate or justices shall seem meet, and also such further sum of money as shall appear to the magistrate or justices to be a reasonable compensation for any destruction, damage, or injury so done, or else he shall, at the discretion of the adjudicating magistrate or justices, be imprisoned for any term not exceeding Six months.

Accessories to  
offences liable as  
principals.

**48** Where the doing of any act or thing is made punishable by this Act, or by any by-law in force under the authority of this Act, with any penalty, fine, or forfeiture, the causing, procuring, permitting, or suffering such act or thing to be done shall be punishable in like manner.

Recovery of fines,  
penalties, &c.

**49** Where no other mode is provided in this Act, all informations for offences against any of the provisions of this Act or the by-laws, and all fines, penalties, or sums of money imposed or made payable under this Act or under any by-law thereunder, may be summarily heard, determined, recovered, and enforced by and before any police magistrate or any Two or more justices in the mode prescribed by "The Magistrates' Summary Procedure Act."

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**50** Every person convicted of any of the offences hereinbefore mentioned may be ordered by the magistrate or justices to pay, in addition to the fine or penalty attached to the offence (to be recoverable therewith as if part of the penalty), a sum equal to the value of the property damaged or destroyed by him in the act of committing the offence.

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Person convicted may also be ordered to pay value of property damaged.

## PART IX.

## BY-LAWS.

**51**—(1) The Council shall have power from time to time to make, alter, modify, amend, or repeal by-laws for the following purposes:—

By-laws.

- i. For regulating the charges, terms, and conditions upon which electricity shall be supplied to any person under the authority of this Act :
- ii. For preventing the waste or misuse of electricity :
- iii. For regulating the form, material, dimensions, description, and construction and arrangement of conductors, burners, wires, lamps, pipes, service, plant, and other apparatus and things by means of which electricity may be laid on, distributed, or supplied by the Council, and for prohibiting the use of any other :
- iv. As to any matter in connection with which the expression "prescribed" is used in this Act, or in respect to any purpose for which regulations are contemplated by this Act :
- v. For regulating the construction, disposition, use, custody, and inspection of meters :
- vi. For determining the time at which any charge for electricity shall be payable, and whether in advance or not :
- vii. For prescribing and regulating all other matters and things which may be found to be necessary or convenient in connection with the supply of electricity under this Act :
- viii. For preventing injury to any of the works, or machinery, or apparatus, or things erected by or belonging to the Council for the generation, supply, transmission, storing, or utilisation of electricity :
- ix. And otherwise for the better effectuating any of the purposes and intentions of this Act in any matter not otherwise sufficiently provided for—

and to provide that any such by-law may be enforced by cutting off the wire, or conductor, or service, or by such pecuniary penalty, not exceeding in any case the sum of Twenty Pounds, as the Council thinks proper.

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(2) Subject to the provisions of this Act, the provisions of Division I. of Part XIV. of "The Local Government Act, 1906," relating to by-laws, shall be applicable to the by-laws made under this Act.

**PART X.****PURCHASE OF ELECTRICITY AND DELEGATION OF POWERS.**

Power to  
purchase  
electricity.

**52** It shall be lawful for the Company from time to time to sell or supply from any generating plant now in use or hereafter to be used by it, electricity to the Council for the purposes of distribution or public or municipal purposes, or any purposes of this Act, and it shall be lawful for the Council from time to time for those purposes to purchase and obtain of and from the Company electricity at such time or times, in such quantity or quantities, at or for such price or prices, and upon such terms, stipulations, and conditions as the Company and the Council may from time to time hereafter mutually agree upon.

Council may  
contract with  
Company.

**53** Upon passing a special resolution for the purpose, and without taking any poll, it shall be lawful for the Council, in lieu of or after exercising the power of purchase given to it by the last preceding section, to delegate or transfer all or any of its powers, authorities, or functions under this Act to the Company, and to enter into any contract or contracts with the Company from time to time and to vary or rescind the same, under which contract or contracts the Company, as the agent of the Council or otherwise, shall carry out the whole or any part of the objects, purposes, or provisions of this Act specified in such contract or contracts in the same manner and as fully in all respects as if the words "the Company" were substituted throughout this Act for the words "the Council"; and in any such contract or contracts the scale of charges for current for lighting, and for motive-power, and for other purposes, shall be fixed by the contract or contracts; and the owner or occupier of any premises in respect of which electricity is supplied by the Company under its contract or contracts with the Council shall pay to the Company therefor on demand the proper charge according to the said scale of charges, and in case of refusal or neglect to pay such charge the Company shall have and may exercise, all the remedies for recovering and enforcing payment thereof which are exercisable by the Council in like cases under this Act or the by-laws.

Company to  
exercise powers  
of Council, &c.

**54** The Company, under and by virtue of such delegation or transfer of the Council's powers, authorities, and functions, and of such contract or contracts as aforesaid, shall be entitled to and may exercise pursuant thereto the powers, authorities, functions, rights, and privileges conferred upon the Council by this Act as



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fully as if the Company were the Council, but any works erected, constructed, or laid down by the Company shall remain the property of the Company, and may be removed by the Company at the expiration or sooner determination of any contract between the Council and the Company, unless purchased by the Council as hereinafter provided; and upon such delegation or transfer as aforesaid it shall be lawful for the Company, and it is hereby authorised and empowered to supply and distribute from any generating plant now in use or hereafter to be used by it electricity for public, municipal, and private purposes within the Municipality, or for any of the purposes of this Act. A.D. 1917.

**55** Any contract or contracts made between the Council and the Company in respect of the delegation or transfer of the powers, authorities, or functions of the Council to the Company under this Act shall include a provision empowering the Council, if it thinks fit, to purchase all works erected, constructed, or laid down by the Company for the purposes or objects of this Act, in such manner upon such terms, and subject to such conditions as may be specified or indicated in such contract or contracts. Power to purchase works.

**56** The Company and the Council are hereby expressly authorised and empowered from time to time to make and to enter into, sign, seal, and deliver, execute, and do all such contracts, agreements, acts, deeds, writings, matters, and things as they may deem necessary, desirable, or expedient for the purpose of carrying out or giving effect to any of the provisions of this part of this Act, or any of the powers conferred by this Act upon them respectively. Power to execute documents, &c.

## PART XI.

## MISCELLANEOUS.

**57** No person shall be disqualified from acting as a judge, justice, juror, or otherwise, in any proceeding under this Act or any Act incorporated therewith by reason only of his being a ratepayer of the municipality, or by reason of his being liable to any rate or charge for electricity supplied under this Act, or of his premises being supplied, or being so situated as to be capable of being supplied, with electricity under this Act. Interest in execution of Act not to be a disqualification.

**58** No land acquired or held by the Council under the authority of this Act and used for the purposes of this Act shall, unless with the consent of the Governor, be subject to the operation of "The Lands Clauses Act," or any Act (except this Act) incorporating the whole or any portion of that Act. Land acquired under this Act not subject to Lands Clauses Act.

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Moneys payable for electricity to be recoverable in any court of competent jurisdiction.

**59** All sums of money payable by any person for electricity supplied by the Council under the provisions of this Act or for work done, or repairs or renewals effected by the Council, shall be a debt due from such person to the Council, and shall be recoverable by the Council from such person in any court of competent jurisdiction, as well as by any other mode provided by this Act.

Moneys owing to Council under this Act to be preferential claims in bankruptcy.

**60** In any proceeding under "The Bankruptcy Act, 1870," or any other Act regulating the distribution of the estate or assets of any bankrupt or insolvent debtor, any sum of money owing to the Council for electricity supplied to any person by the Council shall rank as taxes and rates within the meaning of Section Thirty-one of "The Bankruptcy Act, 1870," and shall have the like priority in the order of payment of the debts of the bankrupt or insolvent debtor.

SCHEDULE

